

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Writ Petition No. 151 (S/B) of 2005

1. Dr. Alok Kumar Mishra, S/o Ram Shankar Mishra presently posted as Medical Officer, State Ayurvedic Hospital Saraswati Nagar, District – Haridwar.
2. Dr. Smt. Suman Mishra, W/o Dr. Alok Kumar Mishra, presently posted as Medical Officer, State Ayurvedic Hospital, Behari Nagar, District – Haridwar.

.....Petitioners

Versus

1. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi.
2. The Chairman, State Advisory Committee, Gate No. 31, Jawahar Lal Nehru Stadium, New Delhi.
3. State of Uttaranchal through Director Ayurvedic and Unani Services, Uttaranchal, Dehradun.
4. State of Uttar Pradesh through Director Ayurvedic and Unani Services, Lucknow, U.P.
5. Member Secretary, State Advisory Committee, Government of U.P. Lucknow
6. Member Secretary, State Advisory Committee, Government of Uttaranchal, Dehradun.
7. Chief Secretary, Department of Medical Education, Uttaranchal, Dehradun.

.....Respondents

Coram:

Hon'ble M.M. Ghildiyal, J.

Hon'ble B.S. Verma, J.

Heard Sri Sudhir Singh learned counsel for the petitioner, Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 3, 6 and 7 Smt. Beena Pandey, learned standing counsel for State of U.P. on behalf of respondents no. 4 & 5 and Smt. Anjali, learned standing counsel for Union of India on behalf of respondents no. 1 and 2.

Petitioners are husband and wife. Both are working as Medical Officer (Ayurvedic) in the State of Uttaranchal.

Petitioners have filed the present writ petition for the following reliefs:

- (a) *issue a writ, order or direction in the nature of Mandamus commanding the respondents to consider and decide the representation of the petitioner no. 2 dated 16.09.2000, 15.05.2002, 24.05.2002 and 12.08.2004.*
- (b) *issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 1 to finally decide the cadres of the petitioners and allocate them to the same State and till then the petitioner no. 1 may not be relieved in pursuance of the order dated 02.07.2005.*
- (c) *Issue any other suitable writ, order or direction of any nature, which this Hon'ble Court may deem fit and proper in the present circumstances of the case.*
- (d) *to award the cost of the writ petition in favour of the petitioners.*

The submission of the petitioner is that petitioner no. 1 has been finally allocated to State of U.P. whereas petitioner no. 2 has been finally allocated to State of Uttaranchal by Union of India, in view of the fact petitioner no. 2 was employee of Hill Sub Cadre.

The submission of the petitioners is that both of them may either be allocated to State of Uttaranchal or State of U.P.

Learned counsel for the petitioners has submitted that petitioner no. 1 has already submitted his representation dated 30.08.2005 raising all his grievances before respondent no. 6 and the said representation is still pending.

During the course of argument learned counsel for the petitioners has confined his prayer that respondent no. 6 be

directed to consider the representation of the petitioner no. 1 sympathetically at the earliest.

The prayer is innocuous. Accordingly, we deem it fit and proper to direct the respondent no. 6 to take decision on the representation of the petitioner no. 1 dated 30.08.2005 within a period of two months from the date of production of certified copy of this order and forward the same to respondent no. 1. It is expected from the respondent no. 1 that he shall take decision on the said representation within a period of six weeks from the date of receipt of recommendation from the respondent no. 6.

With this direction the writ petition is finally disposed of.
No order as to costs.

(B.S. Verma, J)

(M.M. Ghildiyal, J)

July 21, 2006
SKSharma